

Election Procedures Review
Of
Franklin County
State of Washington
2006 Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. They also added a requirement for the Program to conduct a follow-up visit to verify the county has taken the steps they listed to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Franklin County during the 2006 Primary Election cycle. Tracy Buckles, Elections Program Specialist, represented the Election Certification and Training Program during the review. Zona Lenhart, Franklin County Auditor and Diana Killian participated on behalf of the Franklin County Auditor's Office.

The Franklin County Auditor's Office allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Franklin County Auditor's Office approached the review in a spirit of cooperation. The State commends the Franklin County Elections Department for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Franklin County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist Franklin County in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting, in any way, the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The County Auditor or election staff verbally explained some tasks the reviewer was unable to observe.

The Franklin County Auditor's Office experienced many major changes in a fairly short amount of time. The Elections Department switched voting systems from punchcard to optical scan, the annex office is being remodeled and part of the Elections Department has moved back to the remodeled courthouse, and the County eliminated their polling places.

All of these things considered, the Auditor's Office did an admirable job of administering a difficult pick-a-party primary election. The elections staff is dedicated and conscientious.

The Elections Department should concentrate on areas of ballot security, ensuring that they can document access to ballots during all phases of processing. This includes after tabulation. Part of the security issue stems from a lack of funding. The outside wall in the room where they store the ballots is made of glass. The Auditor's Office has applied for HAVA grant money to replace the glass with a more secure door. If they do not get the grant, they should be given the funds necessary and make this a priority.

Besides changing some procedures as recommended in this report, the election staff should concentrate on updating the written procedures. Administering elections is very complicated and requires great attention to detail. Updating the written procedures is essential for consistency and documenting compliance with election laws.

The following recommendations and suggestions should help improve and enhance Franklin County's election policies and procedures.

Recommendations

The following recommendations indicate areas where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Notice of Election

Franklin County Elections Department correctly published a Notice of Election in a timely manner. They did not include candidates for Precinct Committee Officers in the notice.

RCW 29A.52.311 requires, in part, "The notice must contain the proper party designations, the names and address of all persons who have filed a declaration of candidacy to be voted upon at the primary..."

Recommendation: The Franklin County Elections Department must include all candidates for Precinct Committee Officer in their Notice of Election who filed a declaration of candidacy.

Auditor's Office as a Polling Place

The Franklin County Auditor's Office had two disability access units in the office. There was also a log for the units that included places for the voter's printed name and their signature. There was a flag nearby and the HAVA poster was displayed. There were also sample ballots available and they could issue a provisional ballot if required.

WAC 434-253-024 requires, in part, "The poll book of registered voters must contain the name, residence address, sex, month and day of birth and county voter registration number of each voter in the precinct, a listing of the districts in which that voter resides and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information."

WAC 434-250-330 indicates, in part, "If the auditor does not maintain poll books at the auditor's office, the voter must sign a log sheet that includes the same information that would have appeared in the poll book."

WAC 434-253-025 lists the items that the County is required to post in the polling place. Item (3) requires, "Voting instructions printed in at least 16 point bold type;"

Recommendation: The Auditor's Office must create a new log for their disability access units that includes all the elements listed in WAC 434-253-024. Additionally, the Office needs to post voting instructions in 16 point bold type for voters who are visually impaired. The Office should reposition the disability access units to afford the voter privacy while voting.

Special Absentee Ballot Request

The Auditor's Office has an application for a special absentee ballot. It includes a statement for the voter to sign that they believe they will be unable to vote and return a regular absentee ballot and other elements required by law. They do not have a place for the voter to request a regular absentee ballot.

WAC 434-250-030 requires the application include "(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible....."

WAC 434-250-040 requires the application also include, "(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided."

Recommendation: The Franklin County Auditor's Office should amend the application to include the requirements defined by the above administrative rules.

Replacement Ballot Application

The Elections Department has an application for a voter to request a replacement ballot. It includes a statement that before the voter's ballot can be counted; the card must be completed and signed.

RCW 29A.40.061 indicates, in part, "A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person."

Recommendation: The RCW indicates that neither a signature nor the completion of an application is required to obtain a replacement ballot. While it is acceptable to have an application, the Elections Department should revise it so that it does not contain the warning or require a signature. Even if they have the application they must accept requests for replacement ballots by the other methods listed in the RCW.

Ballot Security

Before tabulation, ballots were stored in metal cabinets secured by a lock and key. The door to the room was also secured by lock and key. After the ballots were tabulated they were stored in cardboard boxes sealed with tape and put on shelves in the same room where they kept them before tabulation.

WAC 434-250-110 requires, in part, "Following initial processing, all absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel."

Recommendation: In the course of the review, the reviewer suggested the Auditor's Office install a hasp on the door where the ballots were stored so they could secure the door with a numbered seal and document access into the room. The Franklin County Auditor's Office had the hasp in place before the election. They should continue to use this procedure to secure the ballots.

Additionally, the Department needs to develop a procedure for documenting access to the metal cabinets where they store the voted ballots that have not been tabulated. This could be done by sealing each cabinet or storing the keys to the cabinets in a sealed container and recording the seal number.

The Elections Department must change their procedures for securing the ballots after they have been tabulated. There is no documented access to the individual boxes. They could accomplish this by placing pre-numbered labels on the box opening and recording the number on the label on a log or inside the box. An alternative method they could use a tool to punch holes in the boxes and use numbered seals to secure the boxes. The Elections Department may adopt any other procedure to secure the boxes in a way that documents access.

Canvassing Procedures

In the County Canvassing Board Manual, the Board has instructed the Auditor's office to duplicate a ballot and count it when a ballot is inspected by the Elections Department and they find a ballot with a name or initials on it

RCW 29A.60.040 indicates, in part, "A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot or it is marked so as to identify the voter."

Recommendation: The Elections Department should refer these ballots to the Canvassing Board for rejection. Additionally, the Canvassing Board should change the procedure in the Canvassing Board Manual.

Disability Advisory Committee

The Franklin County Auditor's Office has taken initial steps to establish an advisory committee. The Prosecuting Attorney and representatives from Human Resources, janitor's staff and the Auditor's Office are currently serving on the committee. They have not developed a plan.

RCW 29A.46.260 requires, in part, "Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:....."

Recommendation: The Auditor's Office should continue to work to establish an advisory committee that has the required representatives, especially from the disability community. It is critical that the committee develop a plan as soon as possible.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Processing Tabulated Ballots

The person tabulating ballots recorded the number of ballots tabulated and how many were out stacked on a sheet that follows the ballots to the area where they are prepared for storage. There were black pens available to all staff in the tabulating area.

Suggestion: The Elections Department should consider providing pens in a distinguishable color to avoid the appearance that someone could make a mark on a ballot.

Provisional Ballots

The Franklin County Auditor's Office had printed provisional ballots for every ballot style. This was a considerable expense, especially for a county that votes all by mail and issues very few provisional ballots.

Suggestion: Rather than have ballots printed in every ballot style, the Elections Department should consider using sample ballots as provisional ballots. Every possible issue the voter could vote on is on the ballot and they are distinguishable from regular ballots because they are a different size and color. They would need to stamp or write the word "provisional" on the top to identify the sample ballot as provisional.

Written Procedures

The county should make creating comprehensive, a step-by-step procedures manual a high priority. It should be written in a format that will allow the manual to be utilized by any person new to performing a task. The manual is not only important to new people performing a task, but there are many tasks in elections that are performed infrequently. The manual will provide consistency and document the Department's compliance with election laws.

The manual should include policies and procedures for all aspects of administering elections.

Section 2

County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Franklin County Canvassing Board in December 2006. In accordance with WAC 434-260-145, we provided Franklin County with a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Franklin County Canvassing Board provided the following response to the draft review report. The signed original of their response is on file in the Office of the Secretary of State.

Franklin County Auditor

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January 9, 2007

Tracy Buckles
Elections Program Coordinator
PO Box 40237
Olympia WA 98504

Dear Tracy,

Following are our responses to the recommendations and suggestions made in the election procedures review conducted during the 2006 Primary Election.

Recommendation 1: Notice of Election

Response: Candidates for Precinct Committee Officer shall be included in future Notice of Election listing all candidates who have filed for office.

Recommendation 2: Auditor's Office as a Polling Place

Response: A new log has been created for the disability access units that incorporates all of the elements listed in WAC 434-253-024. We are working with the vendor to create voting instructions in 16 point bold type. The disability access units were moved to a nearby location for the 2006 General for voter privacy and security of the units.

Recommendation 3: Special Absentee Ballot Request

Response: Although the point of the checkbox is moot due to the fact that we are a vote-by-mail county and voters requesting special absentee ballots automatically receive a regular ballot, we have revised the form to comply with WAC 434-250-030. The notice required in WAC 434-250-040 has been included.

Recommendation 4: Replacement Ballot Application

Response: Franklin County has revised the replacement ballot process to not require a signature nor an application to obtain a replacement ballot.

Recommendation 5: Ballot Security

Response: Franklin County's application for HAVA grant money has been approved. With these funds, we can remodel the ballot processing and tabulation center with emphasis on ballot security. This works hand-in hand with creating new procedures for securing the ballots after they have been tabulated. Access to the individual boxes will be documented.

Accounting
545-3505

Elections
545-3538

Recording
545-3536

Licensing
545-3533

Recommendation 6: Canvassing Procedures

Response: Franklin County has revised the Manual to direct staff to refer such ballots to the Canvassing Board for rejection.

Recommendation 7: Disability Advisory Committee

Response: The Franklin County Canvassing Board agrees with this recommendation. The Auditor's Office will continue to work to establish an advisory committee to develop a plan as soon as possible.

Suggestion 1: Processing Tabulated Ballots

Response: Persons tabulating ballots are now given pens in a distinguishable color from the rest of the staff in the tabulating area.

Suggestion 2: Provisional Ballots

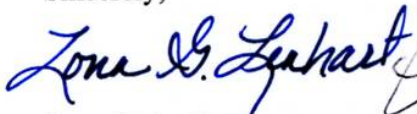
Response: The Primary was our first election with the new optical scan ballot. We learned that in addition to the expense of printing a provisional for each ballot type, we had storage issues. Rather than use a sample ballot, however, we chose to use regular absentee/replacement ballot stock and stamped the word 'provisional' on the top to differentiate it from regular ballots. This process worked well for the 2006 General. Since we already have regular absentee/replacement ballots, this was not an added expense. Also, if we were to use a sample ballot for a provisional, we would have the expense and labor of duplicating the sample ballot.

Suggestion 3: Written Procedures

Response: Creating a procedure manual has been a major goal for the election department. It is a high priority. Now that we have been through two major elections with the new optical scan voting system, the new voter registration system, and operating out of two facilities (the main courthouse office and the ballot processing and tabulation center at the annex), we can start to update our written procedures for consistency and documenting compliance with election laws with some firsthand experience to guide us.

It has been a pleasure to work with you and the Office of the Secretary of State during this review. We appreciate your time in doing this review.

Sincerely,



Zona G. Lenhart
Franklin County Auditor



Neva J. Conkum
Chair, Board of County Commissioners



Steve M. Lowe
Prosecuting Attorney

Conclusion

Overall, Franklin County's elections procedures were very good. The staff is knowledgeable and experienced.

The Elections Department does an excellent job accounting for and reconciling the ballots in their possession.

Some of the recommendations in this report require relatively minor changes in the county's election procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The reviewer has made a series of recommendations and suggestions for consideration by the Franklin County Auditor and the Canvassing Board. These are meant to enhance and improve the County's election procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

Review Report Prepared by:

Tracy Buckles
Elections Program Specialist
Office of the Secretary of State



Date: January 12, 2007

Signature